

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

PHILLIP LANGLEY	:	DOCKET NO. 05-0019
VS.	:	JUDGE MINALDI
JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY	:	MAGISTRATE JUDGE WILSON

REPORT AND RECOMMENDATION

Presently before the court is Plaintiff's Petition for Attorney's Fees and Expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412 (EAJA). [doc. 23]. This matter has been referred to the undersigned magistrate judge for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

By judgment dated March 24, 2006, this matter was reversed and remanded pursuant to the fourth sentence of 42 U.S.C. § 405(g). Thus, Plaintiff qualifies as a prevailing party. Plaintiff's attorney seeks fees of \$ 5,687.50 (45.5 hours at \$ 125/hour). No opposition has been filed, and the time for accomplishing same has expired. (*See*, LR.7.5W, and Notice of Setting Motion [doc. # 24]).

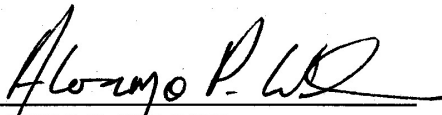
Considering the lack of opposition, and after review of the record, this court concludes that the number of hours claimed is reasonable. Accordingly, it is RECOMMENDED that Plaintiff's application for attorney's fees and expenses be granted and that attorney's fees be fixed at \$ 5,687.50 (45.5 hours at \$ 125/hour).

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days

from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 8th day of May, 2006.


ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE